

REMARKS

Allowable Subject Matter/ Amendments

Applicants again gratefully acknowledge the Examiner's indication that the claim 19 recites allowable subject matter. Claim 19 is amended above to be in independent form by incorporating subject matter from the versions of claim 1 and 18 prior to the amendments presented in the Reply of September 9, 2002. This amended version of claim 19 does not use the term "semi-crystalline." Thus, it is respectfully submitted that claim 19 is in condition for allowance.

Claims 47 and 49 are amended to delete reference to "semi-crystalline." Thus, this amendment, at the very least, reduces the number of issues for appeal. Moreover, as discussed above, claims 47 and 49 are in condition for allowance. Entry of the Amendment is respectfully requested.

Rejection under 35 USC§112, second paragraph

Claims 47 and 49 are rejected as allegedly being indefinite. This rejection is respectfully traversed. While applicants' disagree that the term semi-crystalline as it relates to thermoplastic resins is indefinite to one of ordinary skill in this particular art, claims 47 and 49 are amended to delete reference to semi-crystalline. Withdrawal of the rejection is respectfully submitted.

Rejection under 35 USC§103(a)

Claims 47 and 49 are rejected as allegedly being obvious in view of the Reiss et al. article. This rejection is respectfully traversed.

Initially, the Examiner states in the rejection that applicants' are given "official notice" that lower molecular weight macromolecular compositions are allegedly "generally easier" to fabricate than higher molecular weight macromolecular compositions. Applicants' respectfully request the examiner to provide a reference that supports this allegation. Also, in light of the use of the phrase "generally easier" the Examiner is requested to explain and/or demonstrate how this allegation relates to the particular materials involved here.

The amount of difficulty involved in controlling average molecular weight of polymers will depend on the length of time of polymerization and polymerization process itself. While under a given set of particular operating conditions it might be easier to prepare

lower molecular weight polymers, there is nothing in the rejection to suggest that this would be true for all types of polymers and/or all methods of polymerization.

The rejection refers to the Figure 4 of the Reiss et al. article (page 361). This figure illustrates the morphology of a particular ternary polymeric blend. Specifically, this blend contains 25 % polystyrene, 50% poly(methyl methacrylate) and 25 % of the triblock copolymer. Thus, this blend does not contain at least 50 % by weight of polystyrene, nor is there any motivation described in the rejection that would lead one to increase the amount of polystyrene in the blend illustrated in Figure 4. Compare applicants' claim 47.

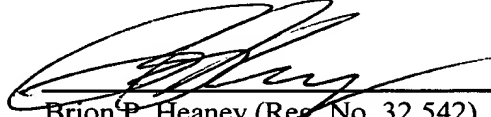
The copolymer used in the blend shown in Fig. 4 contains 28 % styrene, 17% isoprene, and 55% methyl(meth)acrylate and has an M_N value of 520,000. The rejection does not explain how this copolymer suggests a copolymer having a composition of A, B, and C sequences as recited in either claim 47 or 49. Moreover, aside from the unsupported assertion concerning ease of fabrication, the rejection does not present any rationale as to why one of ordinary skill in the art would be motivated to modify the copolymer used in the blend shown in Fig. 4 of Reiss so to exhibit a lower molecular weight.

The mere ability, in and of itself, to modify the disclosure of a reference does not establish obviousness. See, e.g., *In re Laskowski*, 10 USPQ2d 1397 (Fed. Cir. 1989). Instead, there must be some motivation provided that leads one of ordinary skill in the art to make the asserted modification. In the present case, no such motivation exists.

The rejection fails to present sufficient motivation that would lead one of ordinary skill in the art to modify any of blend compositions described by the Reiss et al. article in such a manner as to arrive at a composition in accordance with applicants' claims 47 or 49. In view of the above remarks, it is respectfully submitted that Reiss et al. fails to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully submitted.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made**".

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brion P. Heaney', is written over a horizontal line.

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Version With Markings to Show Changes Made

IN THE CLAIMS

Please amend the claims as follows:

--19. A composition ~~according to Claim 18~~, comprising:

- a thermoplastic fluorinated resin X1 or several compatible thermoplastic resins X1 to Xn, wherein at least one of X1 to Xn is fluorinated, and
- at least one block (sequential) copolymer,
- n being an integer equal to or greater than 1,

wherein:

- the block copolymer comprises at least three blocks A, B and C, wherein each block is either a homopolymer or a copolymer obtained from two or more monomers, the A block is connected to the B block and the B block to is connected to the C block by means of a covalent bond or of an intermediate molecule connected to one of these blocks via a covalent bond and to another block via another covalent bond,

- the A block is compatible with the thermoplastic resin or resins X1 to Xn,

- the B block is incompatible with the thermoplastic resin or resins X1 to Xn and incompatible with the A block,

- the C block is incompatible with the thermoplastic resin or resins X1 to Xn, the A block and the B block;

said composition comprising, by weight, at least 50% the thermoplastic fluorinated resin(s), based on the total weight of fluorinated resin(s) and the block copolymer, and the remainder of the total weight of fluorinated resin(s) and the block copolymer being at least one block copolymer with a number-average molecular mass (Mn) of greater than or equal to 20,000 g.mol⁻¹ composed of:

- 20 to 93 parts by weight of A sequences,

- 5 to 50 parts by weight of B sequences, and

- 2 to 50 parts by weight of C sequences; and

wherein said thermoplastic fluorinated resin(s) comprises poly(vinylidene difluoride) (PVDF) and said block copolymer is a poly(methyl methacrylate)-poly(butadiene)-poly(styrene) triblock copolymer.

47. A composition comprising:

- a ~~semi-crystalline~~ styrene thermoplastic resin X1 or several compatible thermoplastic resins X1 to Xn, wherein at least one of X1 to Xn is a styrene thermoplastic resin semi-
crystalline, and

- at least one block (sequential) copolymer,

- n being an integer equal to or greater than 1,

wherein the block copolymer comprises at least three blocks A, B and C in which each block is either a homopolymer or a copolymer obtained from two or more monomers, the A block is connected to the B block and the B block to is connected to the C block by means of a covalent bond or of an intermediate molecule connected to one of these blocks via a covalent bond and to another block via another covalent bond, and

- the A block is compatible with the thermoplastic resin or resins X1 to Xn,

- the B block is incompatible with the thermoplastic resin or resins X1 to Xn and incompatible with the A block,

- the C block is incompatible with the thermoplastic resin or resins X1 to Xn, the A block and the B block, and

wherein said composition comprises, by weight, at least 50% of ~~semi-crystalline~~ styrene thermoplastic resin(s) based on the total weight of styrene thermoplastic resin(s) and the block copolymer, and the remainder of the total weight of styrene thermoplastic resin(s) and the block copolymer is at least one block copolymer with an Mn of between 50,000 and 200,000 g.mol⁻¹, composed of:

- 20 to 93 parts by weight of A sequences,

- 5 to 50 parts by weight of B sequences, and

- 2 to 50 parts by weight of C sequences.

49. A composition according to Claim 47, comprising, by weight, from 65 to 95% of said ~~semi-crystalline~~ styrene thermoplastic resin(s), based on the total weight of styrene thermoplastic resin(s) and the block copolymer, and the remainder of the total weight of vinyl resin(s) and the block copolymer being at least one block copolymer composed of:

- 30 to 60 parts by weight of A sequences,

- 10 to 40 parts by weight of B sequences, and

- 5 to 40 parts by weight of C sequences.